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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 MSW MEDIA, INC. and FIRST
13 AMENDMENT COALITION,

14 Plaintiffs,

15 v.

16 U.S. DOGE SERVICE and OFFICE OF
17 MANAGEMENT AND BUDGET,

Defendants.

Case No. 3:25-cv-02881-AMO

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS OR
TRANSFER FIRST AMENDED COMPLAINT,
OR, IN THE ALTERNATIVE, GRANTING
MOTION TO STAY**

The Honorable Araceli Martínez-Olguín

1 This matter came on regularly for hearing on August 7, 2025, with the Honorable Araceli
 2 Martínez-Olguín presiding. The Court has received and considered Defendants' Notice of Motion and
 3 Motion to Dismiss or Transfer Plaintiffs' First Amended Complaint, or in the Alternative, Motion to
 4 Stay; all responses and replies to the Motions, and all other appropriate and related documents and oral
 5 argument thereon.

6
 7 IT IS HEREBY ORDERED THAT:

- 8
- 9 1. Defendants' Motion to Dismiss or Transfer is granted.
 - 10 2. Under 5 U.S.C. § 552(a)(4)(B), venue for this action as plead is improper in the Northern
 11 District of California because venue does not lie the Northern District as to each claim and
 12 each party.
 - 13 3. This action is hereby transferred pursuant to 28 U.S.C § 1404(a) to the District of the District
 14 of Columbia, as that district is the only forum that can remedy the venue deficiencies in
 15 Plaintiffs' First Amended Complaint. Because that district is the "all-purpose," "universal
 16 venue for FOIA lawsuits," *In re Scott*, 709 F.2d 717, 720 (D.C. Cir. 1983); *Sierra Club v.*
 17 *TVA*, 905 F. Supp. 2d 356, 359 (D.D.C. Nov. 29, 2012) (quoting Dep't of Justice, Guide to
 18 the Freedom of Information Act § 3-17.100B (2012)), that district can consider the FOIA
 19 claims of all Plaintiffs in this action.
 - 20 4. The Court need not consider the merits of Plaintiffs' allegations, and instead transfers the
 21 case to the District of the District of Columbia for further proceedings there.

22
 23 *[In the alternative]*

- 24
- 25 1. For reasons of judicial economy and legal consistency, Defendants' Motion to Stay is granted
 26 while threshold legal issues are resolved in the underlying D.C. Litigation in the *CREW* case.
 - 27 2. The Court enters a 90-day stay with the accompanying requirement that the parties file a joint

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status report one week prior to the end of that 90-day period in which they update the Court on the status of the D.C. Litigation and state a joint position (or, if necessary, their respective positions) on whether a continued stay is necessary.

Dated: _____

The Honorable Araceli Martínez-Olguín
United States District Court Judge